

1 BILL NO. S-90-07-19

2 SPECIAL ORDINANCE NO. S-184-90

3 AN ORDINANCE approving
4 Contract #90-WP-02, DISPOSAL
5 OF FILTRATION LIME ALTERNATE
6 BID between STUCKEY BROTHERS
7 and the City of Fort Wayne,
8 Indiana, in connection with
9 the Board of Public Works and
10 Safety.

11 NOW, THEREFORE, BE IT ORDAINED BY THE COMMON
12 COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

13 SECTION 1. That the Contract #90-WP-02, DISPOSAL
14 OF FILTRATION LIME ALTERNATE BID by and between STUCKEY
15 BROTHERS and the City of Fort Wayne, Indiana, in connection
16 with the Board of Public Works and Safety, is hereby
17 ratified, and affirmed and approved in all respects,
18 respectfully for:

19 the disposal of Filtration
20 Lime;

21 involving a total cost of Ninety-Four Thousand Nine Hundred
22 Dollars (\$94,900.00).

23 SECTION 2. Prior Approval has been requested from
24 Common Council on June 26, 1990. Two copies of said
25 Contract are on file with the Office of the City Clerk and
26 made available for public inspection, according to law.

27 SECTION 3. That this Ordinance shall be in full
28 force and effect from and after its passage and any and all
29 necessary approval by the Mayor.

30 
31 Councilmember

32 APPROVED AS TO FORM
AND LEGALITY


J. Timothy McCaulay, City Attorney

THIS CONTRACT made by and between the City of Fort Wayne, by and through its Board of Public Works and Safety (hereinafter referred to as "City"), and Stuckey Bros. (hereinafter referred to as "Contractor").

WHEREAS, the City has advertised for bids on the disposal of spent filtration lime from the sludge drying lagoons, located at 5510 Lake Avenue, Fort Wayne, Indiana; and

WHEREAS, the parties desire to enter into a non-exclusive contract with regard to said lime sludge for the year 1990, and

WHEREAS, the parties have reached certain understandings and agreements with regard to said supply, loading, hauling and spreading, the parties now agree as follows:

1. The bid specifications prepared by City and on file in the office of the Board of Public Works and Safety, Room 920, 9th Floor, City/County Building, One Main Street, Fort Wayne, Indiana, are attached hereto as Exhibit "A" and incorporated in this agreement.

2. The attached Exhibit "A" shall constitute the specific terms of the contract between the parties unless indicated to the contrary herein.

3. Contract Specification G.6.b is amended to read that should Contractor fail to haul and apply 10,000 dry tons of filtration lime as agreed within 365 days of awarding the contract (or by any other date mutually agreed to in writing) the Contractor shall be liable to the City for liquidated damages of \$100.00/day for each and every day after 365 days after award of the contract.

4. All references in the attached Exhibit "A" to "bidder" shall be construed as a reference to Contractor.

5. Upon periodic written request from City, Contractor shall provide City with a written report verifying the rates and uniformity of sludge application.

6. Results of all soil tests conducted by or for Contractor must contain the lime application rate and C.E.C. value.

7. All other terms and conditions of the bid specifications attached hereto shall remain in full force and effect and shall act as terms of the agreement between the parties hereto.

8. This contract shall be governed by the laws of the State of Indiana.

9. This writing contains the entire agreement between the parties, and said agreement shall not be modified except in writing signed by all parties hereto.

Dated this 22 day of June, 1990.

CONTRACTOR
STUCKEY BROS

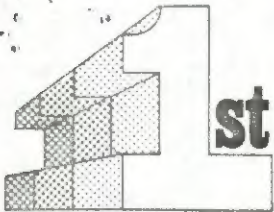
CITY OF FORT WAYNE
BOARD OF PUBLIC WORKS AND SAFETY

Andrew Stuckey

[Signature]
Member

[Signature]
Member

[Signature]
Member



First National Bank Northwest Ohio

219 North Defiance Street, Archbold, Ohio 43502, (419) 446-2511

June 12, 1990

Letter of Credit No. 151

Beneficiary: City of Ft. Wayne, Indiana
Board of Works

Account: Philip Stuckey
Andy Stuckey
DBA: Stuckey Brothers

Dear Sirs:

We hereby authorize to draw on us for the account of Philip and Andy Stuckey, dba Stuckey Brothers, up to an aggregate amount of \$50,000 available by your draft at sight.

We hereby agree to honor each draft drawn under and in compliance with the terms of this credit if duly presented on or before June 15, 1991 along with copies of unpaid billings.

Drafts drawn and negotiated under this Letter of Credit must be endorsed hereon and must bear the clause: "Drawn under First National Bank Northwest Ohio Letter of Credit No. 151." This credit is irrevocable and non-transferable.

This credit is subject to the Uniform Customs and Practice for Documentary Credits (1974 Revisions), International Chamber of Commerce Publication Number 290.

Sincerely,

FIRST NATIONAL BANK NORTHWEST OHIO

Jeffrey E. Schmitt
Assistant Vice President

JES/css

The undersigned on behalf of Philip Stuckey and Andy Stuckey, dba Stuckey Brothers, hereby authorize First National Bank Northwest Ohio to issue said Letter of Credit No. 151 to City of Ft. Wayne, Indiana, and hold First National Bank Northwest Ohio harmless from any actions that may arise from this Letter of Credit.

By:
Philip Stuckey

Date: 6/12/90

By:
Andy Stuckey

Date: June 12/90

ACORD CERTIFICATE OF INSURANCE

ISSUE DATE (MM/DD/YY)
6-8-90

PRODUCER

Andres O'Neil & Lowe Agency
212 N. Defiance Street
Archbold, Ohio 43502

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW

COMPANIES AFFORDING COVERAGE

CODE 1504 SUB-CODE

INSURED

Stuckey Brothers
Andrew Stuckey & Philip Stuckey
R.3, Box 280
Montpelier, Ohio 43543

COMPANY LETTER A GRE AMERICA
COMPANY LETTER B
COMPANY LETTER C
COMPANY LETTER D
COMPANY LETTER E

COVERAGES

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED, NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

CO LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	ALL LIMITS IN THOUSANDS	
A X	GENERAL LIABILITY	61-903682	4-3-90	4-3-91	GENERAL AGGREGATE	\$ 500
	COMMERCIAL GENERAL LIABILITY				PRODUCTS-COMP/OPS AGGREGATE	\$ 500
	CLAIMS MADE X OCCUR.				PERSONAL & ADVERTISING INJURY	\$ 500
	OWNER'S & CONTRACTOR'S PROT.				EACH OCCURRENCE	\$ 500
					FIRE DAMAGE (Any one fire)	\$ 50
					MEDICAL EXPENSE (Any one person)	\$ 5
					COMBINED SINGLE LIMIT	\$
	AUTOMOBILE LIABILITY				BODILY INJURY (Per person)	\$
	ANY AUTO				BODILY INJURY (Per accident)	\$
	ALL OWNED AUTOS				PROPERTY DAMAGE	\$
	SCHEDULED AUTOS					
	HIRED AUTOS					
	EXCESS LIABILITY				EACH OCCURRENCE	\$
	OTHER THAN UMBRELLA FORM				AGGREGATE	\$
	WORKER'S COMPENSATION AND EMPLOYERS' LIABILITY				STATUTORY	\$ (EACH ACCIDENT)
						\$ (DISEASE--POLICY LIMIT)
						\$ (DISEASE--EACH EMPLOYEE)
	OTHER					

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/RESTRICTIONS/SPECIAL ITEMS

Project: Disposal of Filtration Lime

CERTIFICATE HOLDER

Board of Public Works & Safety
The City of Fort Wayne
One Main Street
Fort Wayne, Indiana 46802

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING COMPANY WILL ENDEAVOR TO MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO MAIL SUCH NOTICE SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE COMPANY, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE

Nancy Ries

Read the first time in full and on motion by Burns, seconded by Talarico, and duly adopted, read the second time by title and referred to the Committee on City Politics (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on _____, the _____, day of _____, 19____, at _____ o'clock _____ M., E.S.T.

DATED: 7-10-90

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Burns, seconded by Talarico, and duly adopted, placed on its passage. PASSED ~~lost~~ by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	<u>8</u>			<u>1</u>
BRADBURY	<u>✓</u>			
BURNS	<u>✓</u>			
EDMONDS	<u>✓</u>			
GIAQUINTA	<u>✓</u>			
HENRY	<u>✓</u>			
LONG	<u>✓</u>			
REDD	<u>✓</u>			
SCHMIDT				<u>✓</u>
TALARICO	<u>✓</u>			

DATED: 7-24-90

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)

(SPECIAL) (ZONING MAP) ORDINANCE RESOLUTION NO. S-184-90
on the 24th day of July, 1990,

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

ATTEST
SEAL
Charles S. Reed
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 25th day of July, 1990, at the hour of 11:00 o'clock A. M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 27th day of July, 1990, at the hour of 4:30 o'clock P. M., E.S.T.

Paul Helmke
PAUL HELMKE, MAYOR

Admn. Appr.

TITLE OF ORDINANCE: Contract for #90-WP-02, Disposal of Filtration Lime

DEPARTMENT REQUESTING ORDINANCE: Board of Public Works & Safety

SYNOPSIS OF ORDINANCE: Contract #90-WP-02, Disposal of Filtration Lime **PRIOR APPROVAL RECEIVED ON 6/26/90** Stuckey Brothers is the contractor.

EFFECT OF PASSAGE: Disposal of Filtration Lime

EFFECT OF NON PASSAGE:

90-07-19.

MONEY INVOLVED (DIRECT COSTS, EXPENDITURE, SAVINGS) \$94,900

ASSIGNED TO COMMITTEE:

BILL NO. S-90-07-19

REPORT OF THE COMMITTEE ON CITY UTILITIES

PAUL M. BURNS, CHAIRMAN
MARK E. GIAQUINTA, VICE CHAIRMAN
HENRY, LONG, TALARICO

WE, YOUR COMMITTEE ON CITY UTILITIES TO WHOM WAS

REFERRED AN (ORDINANCE) ~~(RESOLUTION)~~ approving Contract
#90-WP-01, DISPOSAL OF FILTRATION LIME ALTERNATE BID between
STUCKEY BROTHERS and the City of Fort Wayne, Indiana, in
connection with the Board of Public Works and Safety

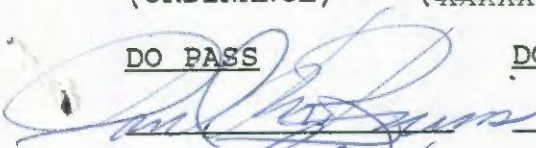
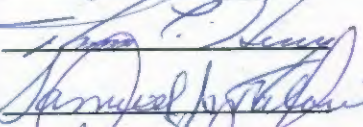
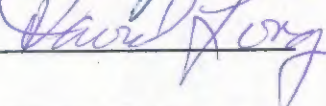
HAVE HAD SAID (ORDINANCE) ~~(RESOLUTION)~~ UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) ~~(RESOLUTION)~~

DO PASS

DO NOT PASS

ABSTAIN

NO REC

DATED: 7-24-90.

Sandra E. Kennedy
City Clerk